UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,026	01/11/2002	Mark N. Robins	10015531-1	8225

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EXAMINER
CATHEY II, PATRICK H

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/044,026	ROBINS ET AL.
	Examiner	Art Unit	
	Patrick H. Cathey II	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim's 1, 5-7, 16 and 19 are rejected under 35 U.S.C. 102(e) as being

anticipated by Brill et al. (US 6,816,184).

As for Claim's 1 and 16, Brill et al. teach an electronic image sensor (Column 2,

lines 51-56), a memory including a frame buffer storing at least one digital image frame

(Column 3, lines 2-3) and a processor that communicates with the electronic image

sensor and memory conducting an image capture of a digital image frame into the

frame buffer and extracting predetermined events in the digital image frame by

comparing the digital image frame with a stored quiescent image frame (Column 2, line

64 to Column 3, line 12; Column 4, lines 15-30; Column 8, lines 35-53).

As for Claim's 5-7, Brill et al. teach an image processing algorithm that optically

identifies objects in the digital image frame (Column 3, lines 3-12), an object-to-event

mapping table including a set of defined objects and a corresponding set of defined

events, with an entry of the object-to-event mapping table mapping a particular object to

a particular event where the processor uses the images processing algorithm to

optically identify one or more objects in the digital image frame and uses the object-to-

event mapping table to extract one or more events corresponding to the one or more

objects (Column 8, lines 35-53), and the image processing algorithm further includes a

library of predetermined objects with each object in the library representing a

predetermined event (Column 8, lines 42-53).

As for Claim 19, many of the limitations have been addressed in the above

rejections. Brill et al. teach comprising the step of waiting a predetermined time period

after the detecting step before performing a subsequent capturing a digital image frame

step (Column 8, lines 54-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claim's 2-4, 8-15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Brill et al. in view of Budge et al. (US 6,359,560).

As for Claim's 2, 3, 9 and 17, Brill et al. fails to specifically teach where the frame

buffer comprises a circular frame buffer and where the digital image frame is discarded

after the one or more events are extracted, but Budge et al. does (Column 8, lines 4-9

and 47-57). Circular buffers are used in most surveillance systems in order to keep the

recording space free and discarding frames or images after they are extracted

continues to use the circular buffer in order to save recording space. Once the image or frame is recorded then you do not need the image on the circular buffer. Therefore, it would have been obvious to one of ordinary skill to use a circular buffer in order to save recording space and discard the images after they are extracted.

As for Claim's 4, 8, 10 and 18, many of the limitations have been addressed in the above rejections. Brill et al. fails to specifically teach recording the occurrence of an extracted event and storing that event, but Budge et al. does (Column 8, lines 4-9 and 47-57). Since storing and recording the extracted image or frame is required in order to show people at a later time the events that took place in the surveillance system that caused the motion, it would have been obvious to one of ordinary skill to record and store the extracted images.

As for Claim's 11-15, 17 and 18, all of the limitations have been addressed in the above rejections.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references not used in the above rejections were included . because they teach additional information in the art of surveillance systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick H. Cathey II whose telephone number is (703) 305-4909. The examiner can normally be reached on M-F 7:30 to 5:00 (Every other friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Kelley can be reached on (703) 503-4856. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

                                        Patrick H. Cathey II
                                        Examiner
                                        Art Unit 2613

PHC

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                                        SUPERVISORY PATENT EXAMINER
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